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RESOLUTION NO. 09-266

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90447 (NORTH OF I-235, WEST OF BROADWAY) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90447 (NORTH OF I-235, WEST OF BROADWAY) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90447 (north of I-235, west of Broadway).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Nine Thousand Dollars (\$440,000) exclusive of the cost of interest on borrowed money, with 30.68 percent payable by the improvement district and 69.32 percent payable by Wichita Water Utility. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2009, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing water main, such benefit fee to be in the amount of Seven Thousand One Hundred Ninety-Three Dollars (\$7,193).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FARMERS ADDITION

Lots 1 and 2

KRATZKES ADDITION

Lots 1 and 2

UNPLATTED TRACTS

In Section 29, TWP 26S R1E

Beginning 227 Feet North of Northeast Corner Lot 1 Farmers Addition North 69 Feet Northwesterly to East Line Floodway Southerly To Point 217 Feet North of Northwest Corner Said Lot 1 Easterly to Beginning. (A-518-UP)

Beginning 296 Feet North of the Northeast Corner South 30a Northeast 1/4 Lying West Highway 81 Northwest to Floodway Northeast along Floodway Row to North Line of North 42 acres South 72 acres Northeast 1/4 East to Point North of Beginning South to Beginning. (A-520-UP)

North 132 Feet East 660 Feet Southeast 1/4 (A-556-UP)

Beginning Northeast Corner Lot 1 Farmers Add Northerly Along US 81 227 Feet Westerly to East Line Floodway 217 Feet North of Northwest Corner Said lot 1 Southerly 217 Feet East 136.44 Feet to Beginning (A-519-UP)

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 11th day of August, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)